



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable T. O. Booth
Livestock Sanitary Commission of Texas
2002 W. T. Waggoner Building
Fort Worth 2, Texas

Dear Sir:

Opinion No. 0-7387

Re: Under what appropriation
should the indemnity be
charged, for slaughtering
of tubercular animals,
the year of testing or
the year of slaughtering?

In your recent letter you requested our opinion as to the date State liability arises for payment for tubercular animals which have been killed following their testing and condemnation for tuberculosis, and for which the State and Federal Government pay an indemnity in accordance with law. You state in your letter that it has been the custom of the Livestock Sanitary Commission to charge the indemnity for the year in which the animal was condemned, but that the Comptroller has informed you that in their judgment the charges should be made against the appropriation for the year in which the animal is actually slaughtered.

The applicable statutory provisions authorizing the payment of indemnity, in conjunction with the Federal Government, for destruction of cattle infected with tuberculosis are found in Section 22 of Article 1525b, Vernon's Annotated Penal Code, (Ch. 52, Acts 1st Called Session, 41st Leg.); the current appropriation for the State's portion of such costs will be found as Item 22, Ch. 378, p. 894, Acts 49th Leg.

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Examination of Section 22 of Article 1525b, supra, discloses that no liability on the part of the State to pay indemnity arises until a condemned animal is actually slaughtered. In consequence, the date on which the animal is destroyed, rather than the time of its condemnation to be slaughtered, determines the appropriation from which the indemnity is to be paid.

Yours very truly

ATTORNEY GENERAL OF TEXAS

Gaynor Kendall
By
Gaynor Kendall
Assistant

Grover Sellers
JAN 13 1942

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